

1 GIBSON, DUNN & CRUTCHER LLP  
Orin Snyder (*pro hac vice*)  
2 osnyder@gibsondunn.com  
200 Park Avenue  
3 New York, NY 10166-0193  
Telephone: 212.351.4000  
4 Facsimile: 212.351.4035

5 Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

GIBSON, DUNN & CRUTCHER LLP  
Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

*Attorneys for Defendant Facebook, Inc.,*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**SUPPLEMENTAL DECLARATION OF  
DEBORAH STEIN IN SUPPORT OF  
FACEBOOK, INC.'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
CERTAIN MATERIALS IN SUPPORT OF  
FACEBOOK, INC., GIBSON, DUNN &  
CRUTCHER LLP, AND ORIN SNYDER'S  
SUPPLEMENTAL BRIEF IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR SANCTIONS**

1 I, Deborah Stein, hereby declare as follows:

2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for  
3 Facebook, Inc. (“Facebook”) in the above-captioned matter. I am a member in good standing of the  
4 State Bars of California and New York. I submit this declaration in support of Facebook’s Adminis-  
5 trative Motion to File Under Seal Certain Materials in Support of Facebook, Inc., Gibson, Dunn &  
Crutcher LLP, and Orin Snyder’s Supplemental Brief in Opposition to Plaintiffs’ Motion for Sanctions.  
I make this declaration on my own knowledge, and I would testify to the matters stated herein under  
oath if called upon to do so.

2. Attached as **Exhibit 1** is a true and correct **unredacted** copy of Facebook, Inc., Gibson,  
Dunn & Crutcher LLP, and Orin Snyder’s Supplemental Brief in Opposition to Plaintiffs’ Motion for  
Sanctions (the “Supplemental Opposition”).

3. Attached as **Exhibit 2** is a true and correct **redacted** copy of the Supplemental Opposi-  
tion.

4. Attached as **Exhibit 3** is a true and correct **unredacted** copy of the Declaration of  
Heather L. Richardson in Support of Facebook, Inc., Gibson, Dunn & Crutcher LLP, and Orin Snyder’s  
Surreply in Opposition to Plaintiffs’ Motion for Sanctions (“Richardson Declaration”).

5. Attached as **Exhibit 4** is a true and correct **redacted** copy of the Richardson Declara-  
tion.

6. Attached as **Exhibit 53-A, 56-A, 61-A, 63-A, 64-A, 66-A, 68-A-70-A, 73-A, 82-A** is a  
true and correct **unredacted** copy of Facebook’s Exhibits 53, 56, 61, 63, 64, 66, 68–70, 73, and 82.

7. Attached as **Exhibit 53-B, 56-B, 61-B, 63-B, 64-B, 66-B, 68-B 70-B, 73-B, 82-B** is a  
true and correct **redacted** copy of Facebook’s Exhibits 53, 56, 61, 63, 64, 66, 68–70, 73, and 82.

1           8.       Facebook proposes redacting confidential information regarding its data systems and  
 2 Facebook's proprietary data storage and processing practices.<sup>1</sup> How Facebook stores, manages, tracks,  
 3 preserves, deletes, and processes data for billions of users across its data systems are key components  
 4 of its business that set it apart and ahead of its competitors. I understand that, if publicly disclosed,  
 5 Facebook's competitors could take advantage of this information to improve their own methods for  
 managing high volumes of user data or for tracking and storing user data across data systems, to Facebook's competitive disadvantage. Hackers and other bad actors also could use this information to better understand Facebook's data systems and target specific repositories of data, potentially harming both Facebook and its users.

9.       Facebook proposes redacting confidential information regarding its tool for responding to law-enforcement requests for user records, including the name of the tool, the types of data it contains, the delta between the data within the tool and DYI, and the format in which data from the tool is produced.<sup>2</sup> I understand that public disclosure of details about this tool would reveal confidential information regarding Facebook's internal operations that could be used by bad actors to attempt to circumvent and evade Facebook's enforcement strategies and current and future lawful governmental criminal investigations. I further understand that public disclosure of Facebook's internal processes related to the tool could provide confidential information to competitors about how Facebook tracks and stores data across its systems, to Facebook's competitive disadvantage.

<sup>1</sup> Supplemental Opposition at i, 2, 20–24; Richardson Declaration at ¶¶ 6–11 (Dkt. 998-11); Ex. 53 at 1–2, 4–5, 7–11 (Dkt. 998-9); Ex. 56 at 95:2–8, 10–11, 19, 21–22, 24; 96:5, 7, 19, 22, 24; 97:1, 22–23; 104:4–8, 12; 185:1–7, 9–10, 12–14, 16, 18, 22–24; 198:6, 10, 15 (Dkt. 988-13); Ex. 66 at 1–5 (998-22); Ex. 68 at 1 (Dkt. 998-24); Ex. 69 at 19:15, 20:2 (Dkt. 998-25); Ex. 70 at 2 – 7 (Dkt. 998-26); Ex. 73 at 1–4 (Dkt. 998-29).

<sup>2</sup> Ex. 73 at 2–3 (Dkt. 998-29).

1           10. Facebook proposes redacting confidential and competitively sensitive information re-  
 2           garding its business programs, strategies, decisions, and partners, including confidential technical de-  
 3           tails of how Facebook develops and uses data to target advertisements to the most relevant users.<sup>3</sup> This  
 4           information also includes confidential strategic discussions regarding Facebook's existing and poten-  
 5           tial future business models and strategies, as well as confidential information regarding the identities  
 of and negotiations with entities with which I understand Facebook has a business relationship. I am  
 informed and believe that, if publicly disclosed, this information could harm Facebook's relationships  
 with these entities and undercut Facebook's ability to negotiate with competitors of these entities. I  
 am further informed and believe that public disclosure of confidential information regarding Face-  
 book's business models could allow Facebook's competitors to use this information developed at Fa-  
 cebook's expense to improve or develop their own competing techniques, to Facebook's competitive  
 disadvantage. Additionally, I am informed and believe that public disclosure of confidential infor-  
 mation regarding Facebook's business strategies could allow Facebook's competitors to copy these  
 strategies, developed at Facebook's expense, to more effectively compete with Facebook. Finally, Fa-  
 cebook's ability to serve advertisements to its users effectively is an essential aspect of its business and  
 I am informed and believe that, if publicly disclosed, this information could allow Facebook's compet-  
 itors to improve their serve of advertisements to Facebook's competitive disadvantage.

11. Facebook proposes to seal confidential information regarding Facebook's privacy and  
 platform policy enforcement practices, including Facebook's decision-making process for evaluating  
 apps and developers that may be violating its policies.<sup>4</sup> This includes confidential information regard-  
 ing ADI documents and references thereto. I understand that public disclosure of details regarding

<sup>3</sup> Ex. 56 at 95:2–8, 10–11, 19, 21–22, 24; 96:5, 7, 19, 22, 24; 97:1, 22–23; 104:4–8, 12; 185:1–7, 9–10, 12–14, 16, 18, 22–24; 198:6, 10, 15 (Dkt. 988-13); Ex. 63 at 3–4 (Dkt. 998-19); Ex. 64 at 2–4 (Dkt. 998-20); Ex. 82 at 269:2–6 (Dkt. 998-38).

<sup>4</sup> Ex. 53 at 1–2, 4–5, 7–11; Ex. 61 at 2 (Dkt. 998-17).

Facebook's policy-enforcement efforts would reveal confidential information regarding Facebook's internal operations that could be used by bad actors to attempt to circumvent and evade Facebook's enforcement strategies, potentially harming Facebook and its users. Facebook further proposes sealing such information for the same reasons articulated in Alexander H. Southwell's declaration evidencing the basis for sealing ADI-related documents. Dkt. 804-2; *see also* Dkt. 804 (explaining rationale for sealing ADI investigative reports and ADI-related information).

12. Facebook proposes to seal confidential information regarding ADI documents and references thereto.<sup>5</sup> The Court previously found good cause to seal in full similar ADI materials. *See, e.g.*, Dkt. 804-3 at ECF p. 544–79 (fully sealed investigative report); Dkt. 838 (granting motion to seal). Facebook requests that the Court seal similar ADI documents (and references thereto) for the same reasons, including those reasons articulated in Alexander H. Southwell's declaration evidencing the basis for sealing ADI-related documents. Dkt. 804-2; *see also* Dkt. 804 (explaining rationale for sealing ADI investigative reports and ADI-related information).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2022 in Los Angeles, California.

/s/ Deborah Stein

Deborah Stein

<sup>5</sup> Ex. 53 at 1–2, 4–5, 7–11 (Dkt. 998-9);